THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.19859 of 2006

25.9.2006

Between:
M/s.Allfoonsa Mango Farms, represented by its
Managing Partner – A.Kanakaraj, S/o.Ayyappaswamy

… Petitioner

AND

The Joint Collector, Chittoor District
And others

… Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.19859 of 2006

ORDER:

By an order dated 07.8.006, the second respondent while setting aside the order of the Mandal Revenue Officer, Vijayapuram Mandal (MRO), dated 30.4.2005, cancelled the pattadar passbooks and title deeds issued to the petitioner in respect of lands covered by Khatha Nos.130 to 134, 167 and 169 of Maharajapuram. Aggrieved by the same, the petitioner filed revision petition under Section 9 of A.P. Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity) in the last week of August 2006, before the first respondent, who ordered notice to the other side vide notice dated 04.9.2006. It appears that the petitioner, the Managing Partner of M/s.Allfoonsa Mango Farms, in whose favour the MRO passed orders, also filed an application seeking appropriate interim relief. As no orders are passed on such application, the present writ petition is filed invoking the jurisdiction of this Court Article 226 of Constitution of India.

When once a person has availed statutory remedy, a writ petition would not lie. This is axiomatic. Secondly, the first respondent already issued notice and posted the matter to 16.9.2006. Admittedly, the matter was adjourned and, therefore, the petitioner's remedy lies in pursuing the first respondent to pass interim orders bringing to his notice about the pendency of the suit being O.S.No.26 of 2005 on the file of the Court of the V Additional District Judge, Tirupathi. In this writ petition, no relief can be granted. The petitioner may approach the Revisional Authority with a copy of this order, when the first respondent may consider for passing appropriate orders on the application allegedly made by the petitioner.

The writ petition, with the above observations, is accordingly dismissed. No costs.

September 25, 2006. (**V.V.S.RAO, J**)

NOTE:
Issue order copy today.
(By order)
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